

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

SHAKIYA BROWN,

Plaintiff,

v.

DUNKIN' DONUTS, et al.,

Defendants.

Civil Action No. 2:22-cv-01916

**Proposed Order Granting Plaintiff's  
Counsel's Motion for Leave to Withdraw**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2022, upon consideration of the Motion for Leave to Withdraw as Plaintiff's Counsel filed by Plaintiff's attorneys Ian M. Bryson, Esquire and Derek Smith Law Group, PLLC, and it appearing that all requirements of Rule 5.1(c) of the Local Rules of Civil Procedure for the Eastern District of Pennsylvania and Rule 1.16(b) of the Pennsylvania Rules of Professional Conduct have been satisfied, it is hereby **ORDERED** that the motion is **GRANTED**.

BY THE COURT:

\_\_\_\_\_  
GENE E. K. PRATTER, J.

**DEREK SMITH LAW GROUP, PLLC**

IAN M. BRYSON, ESQUIRE

Attorney ID No. 321359

1835 Market Street, Suite 2950

Philadelphia, PA 19103

(215) 391-4790

ian@dereksmithlaw.com

*Attorneys for Plaintiff, Shakiya Brown*

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**Motion for Leave to Withdraw as  
Plaintiff's Counsel**

Plaintiff's attorneys Ian M. Bryson, Esquire and Derek Smith Law Group, PLLC respectfully request leave to withdraw as counsel for Plaintiff Shakiya Brown pursuant to Rule 5.1(c) of the Local Rules of Civil Procedure for the Eastern District of Pennsylvania and Rule 1.16(b) of the Pennsylvania Rules of Professional Conduct.

Under this District's Local Rules of Civil Procedure, an "attorney's appearance may not be withdrawn except by leave of court, unless another attorney of this court shall at the same time enter an appearance for the same party." Local R. Civ. P. 5.1(c). The Pennsylvania Rules of Professional Conduct apply in proceedings before this Court and should also be considered in deciding motions to withdraw. E.I. Du Pont De Nemours & Co. v. New Press, Inc., No. 97-cv-6267, 1999 WL 98593, at \*1 (E.D. Pa. Feb. 25, 1999) (citing Local R. Civ. P. 83.6 (Rule IV)).

The pertinent provision of the Pennsylvania Rules of Professional Conduct—Rule 1.16 (“RPC 1.16”)—entitled “Declining or Terminating Representation,” provides:

- (b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:
  - (1) withdrawal can be accomplished without material adverse effect on the interests of the client;
  - (2) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;
  - (3) the client has used the lawyer's services to perpetrate a crime or fraud;
  - (4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;
  - (5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;
  - (6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or,
  - (7) other good cause for withdrawal exists.
- (c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

R. Prof. Conduct 1.16.

Comment 3 to RPC 1.16 provides that “the court may request an explanation for the withdrawal, while the lawyer may be bound to keep confidential the facts that would constitute such an explanation. The lawyer’s statement that professional considerations require termination

of the representation ordinarily should be accepted as sufficient.” Pa. R. Prof. Conduct 1.16, Comment 3.

Plaintiff’s attorneys Ian M. Bryson, Esquire and Derek Smith Law Group, PLLC respectfully request leave to withdraw as counsel for Plaintiff Shakiya Brown pursuant to Rule 5.1(c) of the Local Rules of Civil Procedure for the Eastern District of Pennsylvania and Rule 1.16(b) of the Pennsylvania Rules of Professional Conduct. Should the Court require additional information, we are requesting an *in-camera* interview in order to protect privileged attorney-client communications.

Additionally, we are requesting a 60- to 90-day adjournment of the current case management deadlines to give Plaintiff Shakiya Brown reasonable time to find new counsel.

Respectfully submitted,

**DEREK SMITH LAW GROUP, PLLC**

By: /s/ Ian M. Bryson, Esquire  
IAN M. BRYSON, ESQUIRE  
Attorney ID No. 321359  
1835 Market Street, Suite 2950  
Philadelphia, PA 19103  
(215) 391-4790  
ian@dereksmithlaw.com  
*Attorneys for Plaintiff, Shakiya Brown*

Dated: December 15, 2022

**DEREK SMITH LAW GROUP, PLLC**

IAN M. BRYSON, ESQUIRE

Attorney ID No. 321359

1835 Market Street, Suite 2950

Philadelphia, PA 19103

(215) 391-4790

ian@dereksmithlaw.com

*Attorneys for Plaintiff, Shakiya Brown*

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**Certificate of Service**

I certify that on this date I electronically filed the foregoing paper with the Clerk of Court using the ECF system, which will send notification of such filing to all counsel of record. I also served a copy on Plaintiff Shakiya Brown by certified mail.

/s/Ian M. Bryson, Esquire

Ian M. Bryson, Esquire

Derek Smith Law Group, PLLC

1835 Market Street, Suite 2950

Philadelphia, PA 19103

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ian@dereksmithlaw.com

Dated: December 15, 2022